

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:)	
)	
Authorization of Next Generation TV)	GN Docket No. 16-142
For Permissive Use as a Television Standard)	
)	

To: The Secretary

COMMENTS

Entravision Communications Corporation ("Entravision"), the parent of the licensee of Spanish-language broadcast television stations, by its attorneys, hereby submits these Comments in response to the Notice of Proposed Rulemaking¹ issued by the Federal Communications Commission (the "Commission") in the above-referenced proceeding. Entravision supports the Commission's efforts to devise a voluntary, flexible and fair regulatory framework for broadcaster adoption of the ATSC 3.0 television standard ("Next Generation TV"). Entravision believes that flexible ATSC 3.0 rules will encourage competing Next Generation TV models and approaches which in turn will foster innovative and efficient use of the new technology. At the same time, the Commission must ensure that no television viewers are left stranded with outdated equipment or forced to bear burdensome transition costs as broadcasters devote increasing resources to Next Generation TV. In particular, Entravision submits that

¹ See *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, Notice of Proposed Rulemaking, GN Docket No. 16-142, 32 FCC Rcd 1670 (2017) ("*NPRM*").

broadcasters and the Commission have an obligation to protect over-the-air (“OTA”) television viewers, including members of the minority, elderly, and low income communities, who continue to depend upon television as a free, public resource providing them with news, information, and public affairs programming. By adopting rules that reward innovation while upholding the public interest, the Commission can ensure that the benefits of Next Generation TV are shared equally by all television viewers. In support thereof, Entravision states as follows.

The technical advantages and programming possibilities of Next Generation TV have been discussed at length by Entravision and others in this proceeding, and Entravision need not repeat those comments here.² Instead, Entravision wishes to focus on how the Commission can best promote the development of Next Generation TV while remaining faithful to broadcast television’s core public interest mission. The Commission can help foster the adoption and implementation of the ATSC 3.0 standard, by broadcasters and consumers alike, through a flexible regulatory approach that maximizes broadcasters’ options in rolling out the new technology. Greater options in regulatory and technical matters will generate greater competition among broadcasters and a wider range of programming features for consumers.

Specifically, Entravision supports allowing broadcasters to choose the regulatory model under which they conduct their ATSC 3.0 operations – as second channels of the originating stations or as multicast streams of the host stations. See *NPRM* at ¶ 16. As

² See Entravision Comments, GN Docket No. 16-142, at 4-5 (May 26, 2016) (discussing Next Generation TV features such as 4K ultra-high definition, higher frame rates, wider color gamut, higher-dynamic range video, multiple viewing/screen capabilities, small indoor antennas, immersive audio, emergency alert advances, expanded datacast capabilities, integration with IP services, and superior mobile broadcasting opportunities).

the transition proceeds, broadcasters and the Commission may determine that, for the sake of procedural consistency and administrative clarity, one approach is preferable to the other. At the outset of the ATSC 3.0 transition, however, the benefits of flexibility and competition outweigh those of uniformity and certainty. With regard to technical matters, Entravision supports policies that recognize the practical constraints broadcasters will face in launching ATSC 3.0 operations and/or simulcasting ATSC 1.0 operations. Broadcasters need reasonable flexibility in addressing implementation difficulties and service limitations. For example, Entravision supports the “substantially similar community of license” standard set forth in the NPRM for broadcasters seeking to simulcast their ATSC 1.0 signal on another broadcast facility. *See NPRM* at ¶ 23.

While Entravision believes practical, flexible rules are necessary to promote Next Generation TV, it recognizes that broadcasters’ fundamental public interest commitments must remain the core of television service, irrespective of format. In keeping with a citizen and consumer-oriented approach to the Next Generation TV transition, the Commission’s new rules should ensure that as broadcasters incur the costs associated with implementation of ATSC 3.0, that broadcasters do not ignore their obligations to serve viewers who retain do not transition their own receive equipment to ATSC 3.0. In order to protect those viewers, the Commission should mandate the continued service quality of ATSC 1.0 operations. For instance, if a broadcaster transmits an ATSC 1.0 HD signal prior to commencing ATSC 3.0 operations, it should continue to transmit the same quality HD signal once it begins simulcasting. At the same time, the Commission should not countenance direct or indirect transfer of transition costs to viewers. In the *NPRM*, the question was posed that as to how, in the absence of government subsidies

such as those available to consumers during the DTV Transition, “complete assurances must be in place... that consumers will not be burdened with unwanted, unexpected costs” during the rollout of Next Generation TV services. Statement of Commissioner Mignon L. Clyburn, *NPRM*. The manner in which the costs are allocated, whether to broadcasters, equipment manufacturers, or other parties, the cost issue is one that the Commission must give due consideration to.³

In working to contain costs of the ATSC 3.0 transition while maintaining ATSC 1.0 service standards, the Commission and broadcasters owe a special obligation to OTA television viewers – the viewers who most depend upon free, public television and are typically least able to absorb additional costs. Spanish-language households constitute a large, concentrated segment of the OTA television audience, as Entravision well knows. According to the NAB, 26.3% of Hispanic households rely on over-the-air television, a percentage that increases to 42.3% in homes where Spanish is the dominant language of choice, and “[m]any high-density Hispanic Designated Market Areas (DMAs) depend exclusively on over-the-air broadcasting, dramatically outpacing other population groups’ reliance on broadcast-only television.”⁴ In some markets in the Southwestern and Western United States, the majority of broadcast-only television homes are Latino.⁵

³ The cost attendant to the adoption of ATSC 3.0 is one that has raised concerns in the broadcast industry and may be a motivating force in further television industry consolidation. *Communications Daily* (May 7, 2017 at p. 3).

⁴ See Broadcast Television and Radio in Hispanic Communities, National Association of Broadcasters, February 2016 (http://www.nab.org/mpres/BroadcastTVandRadio-HispanicCommunities_NAB.pdf) (last visited May 19, 2016).

⁵ *Id.* Entravision serves such DMAs as Laredo and Harlingen-Weslaco-Brownsville-McAllen, where Latinos are predominately over-the-air viewers owing to a combination of the cost of cable or satellite services and the fact that there are a

As the transition proceeds, the Commission may determine that equipment subsidies and specialized education and outreach efforts are necessary to ensure that uniquely-situated viewer groups, such as OTA Spanish-language television households, are not harmed by the transition to Next Generation TV. In addition to Spanish-language viewers, such outreach efforts should focus on low-income viewers, elderly viewers, other foreign-language viewers, all groups that received targeted assistance during the DTV Transition. The Commission should join with broadcasters, equipment manufacturers, public interest groups and other stakeholders in designing and implementing a Next Generation TV public education campaign, and Spanish-language outreach efforts must be a formal part of any such campaign. The Commission could commence another proceeding to address these issues alongside related service issues, such as whether to “phase in more relaxed OTA ATSC 1.0 service restrictions as a potential transition progresses based on the possibility that, as ATSC 3.0 stations become more prevalent, it may become more difficult for Next Gen TV broadcasters to find suitable partners for local simulcasting.” *NPRM* at ¶ 23.

In sum, Entravision Communications Corporation urges the Commission to protect the interests of OTA television viewers while otherwise granting broadcasters maximal flexibility to ensure successful adoption of the ATSC 3.0 television standard. In this fashion, broadcasters can fulfill their public interest obligations while embracing the technological promise of Next Generation TV.

multiplicity of Spanish-language television services, originating both in this country and Mexico, available over-the-air.

Respectfully submitted,

**ENTRAVISION COMMUNICATIONS
CORPORATION**

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